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STATE OF ILLINOIS  
*Pollution Control Board*

**IDENTICAL FIRST NOTICE  
LINE NUMBERED VERSION**

R04-11

This line-numbered copy of the agency's rulemaking is for use in creating the 1st Notice Changes document.

This version should be identical to the submission made by the agency, with the exceptions that errors in Source or Authority Notes may have been corrected; the format used is that of the electronic Illinois Administrative Code database, so formatting discrepancies will be corrected; incorrect depictions of existing language may have been corrected to conform with the IAPA; statutory citations will be handled correctly; any obvious misspellings revealed by an electronic spell check may have been corrected; and simple technical corrections may have been made. If any such changes have been made, they will be highlighted on the attached copy. If there is any problem, contact JCAR.

On this mark-up, any word or punctuation that has been altered will be highlighted. You will need to compare this to your hard copy or your database to determine how the original text read. If a white space is highlighted, you will know that text has been omitted at that location.

As always, if you would like an adopted rulemaking or any Illinois Administrative Code database materials on disk or through e-mail for purposes of upload, contact Terra Lamb at 785-2254.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Sound Emission Standards And Limitations For Property Line-Noise-Sources
- 2) Code Citation: 35 Ill. Adm. Code 901
- 3) Section Number: 901.122                      Proposed Action: Add
- 4) Statutory Authority: 415 ILCS 5/17 and 27
- 5) A Complete Description of the Subjects and Issues Involved: This site-specific rulemaking was filed with the Board by the Ameren Energy Generating Company (Ameren) to amend the Board's noise regulations with respect to the operation of Ameren's electric generating facility in Elgin, Cook County.

In its petition for this rulemaking, Ameren asserts that the Board's noise regulations are not currently applicable because the land uses in the immediate area are primarily Class C – industrial, agricultural, mining and excavation. Additionally, Ameren asserts that the facility is in compliance with the current applicable noise regulations at 35 Ill. Adm. Code Part 901.

The land immediately to the west of the facility is vacant, and until very recently was located within unincorporated Cook County and zoned Industrial. On June 3, 2003, the Village of Bartlett annexed and rezoned this land for residential use at the request of Realen Homes, a residential development corporation. Ameren has concluded that the facility will not be able to meet the Class A noise limitation at 35 Ill. Adm. Code 901.102, that heretofore were not applicable. Accordingly, Ameren is seeking a site-specific rule that establishes noise emission limitations for the facility that are applicable to Class A and B receiving lands.

- 6) Will this amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register citation</u>
901.101	Amend	27 Ill. Reg 11908
901.102	Amend	27 Ill. Reg 11908
901.103	Amend	27 Ill. Reg 11908

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901.104	Amend	27 Ill. Reg 11908
901.105	Amend	27 Ill. Reg 11908
901.106	Amend	27 Ill. Reg 11908
901.107	Amend	27 Ill. Reg 11908
901.108	Amend	27 Ill. Reg 11908
901.109	Amend	27 Ill. Reg 11908
901.110	Amend	27 Ill. Reg 11908
901.111	Amend	27 Ill. Reg 11908
901.113	Amend	27 Ill. Reg 11908
901.APPENDIX B	Amend	27 Ill. Reg 11908

- 10) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (1992)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of at least 45 days after the date of this publication. Comments should reference Docket R04-11 and be addressed to:

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St.  
Suite 11-500  
Chicago, IL 60601

Address all questions to John Knittle at 217/278-3111 or [knittlej@ipcb.state.il.us](mailto:knittlej@ipcb.state.il.us).

Request copies of the Board's opinion and order in Docket R04-11 from Dorothy M. Gunn, at 312-814-3620, or download copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: No changes in the reporting, bookkeeping or other procedures will be required for compliance with this proposal.

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- C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the rules will be required.
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Board could not foresee the need for this site-specific rulemaking.

The full text of the Proposed Amendment begins on the next page:

# 1<sup>ST</sup> NOTICE VERSION

JCAR350901-0317349r01

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE H: NOISE  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4

5 PART 901  
6 SOUND EMISSION STANDARDS AND LIMITATIONS  
7 FOR PROPERTY LINE-NOISE-SOURCES  
8

9 Section

- 10 901.101 Classification of Land According to Use  
11 901.102 Sound Emitted to Class A Land  
12 901.103 Sound Emitted to Class B Land  
13 901.104 Impulsive Sound  
14 901.105 Impact Forging Operations  
15 901.106 Prominent Discrete Tones  
16 901.107 Exceptions  
17 901.108 Compliance Dates for Part 901  
18 901.109 Impulsive Sound from Explosive Blasting  
19 901.110 Amforge Operational Level  
20 901.111 Modern Drop Forge Operational Level  
21 901.112 ~~Wyman~~ ~~Wyan~~-Gordon Operational Level  
22 901.113 Wagner Casting Site-Specific Operational Level  
23 901.114 Moline Forge Operational Level  
24 901.115 Cornell Forge Hampshire Division Site-Specific Operational Level  
25 901.116 Forgings and Stampings, Inc. Operational Level  
26 901.117 Rockford Drop Forge Company Operational Level  
27 901.118 Atlas Forgings Division of Scot Forge Operational Level  
28 901.119 Clifford-Jacobs Operational Level  
29 901.120 C.S. Norcross Operational Level  
30 901.121 Vaughan & Bushnell Operational Level  
31 901.122 Ameren Elgin Facility Site-Specific Noise Emission Limitations  
32 901.APPENDIX A Old Rule Numbers Referenced  
33 901.APPENDIX B Standard Land Use Coding System  
34

35 AUTHORITY: Implementing Section 25 and authorized by Section 27 of the Environmental  
36 Protection Act [415 ILCS 5/27].  
37

38 SOURCE: Originally filed as Part 2 of Chapter 8: Noise Pollution, effective August 10, 1973;  
39 amended at 2 Ill. Reg. 27, p. 223, effective June 26, 1978; amended at 5 Ill. Reg. 6371, effective  
40 June 1, 1981; amended at 5 Ill. Reg. 8533, effective August 10, 1981; amended at 6 Ill. Reg.  
41 10960, effective September 1, 1982; codified at 7 Ill. Reg. 13646; amended at 7 Ill. Reg. 14519,  
42 effective October 17, 1983; amended in R83-35 at 8 Ill. Reg. 18893, effective September 25,  
43 1984; amended in R83-33, 26, 29, 30 and R83-34 at 9 Ill. Reg. 1405, effective January 17, 1985;

44 Section 901.105(f)(1), (2) and (3) recodified to Sections 901.110, 901.111 and 901.112 at 9 Ill.  
 45 Reg. 7147; amended in R83-25, 31 and 32 at 9 Ill. Reg. 7149, effective May 7, 1985; amended in  
 46 R83-7 at 11 Ill. Reg. 3136, effective January 28, 1987; amended in R04-11 at 28 Ill. Reg.  
 47 \_\_\_\_\_, effective \_\_\_\_\_.

48  
 49 **Section 901.122 Ameren Elgin Facility Site-Specific Noise Emission Limitations**

50  
 51 The Combustion Turbine Power Generation Facility located at 1559 Gifford Road in Elgin,  
 52 Illinois shall not cause or allow the emission of sound from any property-line-noise source  
 53 located on that property which exceeds any allowable octave band sound pressure level  
 54 specified in the following table, when measured at any point within the receiving Class A or  
 55 Class B land.  
 56

<u>Octave Band Center Frequency (Hertz)</u>	<u>Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class A or Class B Land from Ameren Elgin Facility</u>	
	<u>Class A Land</u>	<u>Class B Land</u>
<u>31.5</u>	<u>80</u>	<u>80</u>
<u>63</u>	<u>74</u>	<u>79</u>
<u>125</u>	<u>69</u>	<u>74</u>
<u>250</u>	<u>64</u>	<u>69</u>
<u>500</u>	<u>58</u>	<u>63</u>
<u>1000</u>	<u>58</u>	<u>58</u>
<u>2000</u>	<u>58</u>	<u>58</u>
<u>4000</u>	<u>50</u>	<u>50</u>
<u>8000</u>	<u>40</u>	<u>45</u>

57  
 58 (Source: Added at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)